IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5641 of 2007()

CRIME NO. 836/07 OF KOLLAM EAST POLICE STATION

PETITIONERS/ACCUSED 1 AND 2

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1. SREEDEVI AMMA, W/O.MADHUSOODHANAN PILLAI
   ESWARA VILASOM, THEKKEVILA, MUNDAKKAL,
   KOLLAM.

2. MADHUSOODHANAN PILLAI, -DO- -DO-

BY ADV. SRI.S.SANTHOSH KUMAR

RESPONDENTS: COMPLAINANT

THE SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION, KOLLAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5641 of 2007

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Dated this the 19th day of September, 2007

O R D E R

Application for anticipatory bail. The petitioners - spouses - face allegations under Section 420 I.P.C. Crime has been registered on the basis of a private complaint filed by the defacto complainant before the learned Magistrate, which was referred to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the allegations are totally unsustainable. The first accused/wife had entered into an agreement for sale of immovable properties. There are disputes regarding specific performance of the said agreement. Civil dispute is pending and civil suit is already filed. To steal an unjustified march in the resolution of the civil dispute, this false complaint has been filed, submits the learned counsel.

3. The learned counsel for the petitioners prays, the learned Prosecutor does not oppose the said prayer and I am satisfied in the

circumstances, to which brief reference has already been made, that anticipatory bail can be granted to the petitioners subject to conditions.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 26.9.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 27.9.07 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 26.9.06 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 26.9.2006 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 26.9.2007.

(R. BASANT)
Judge

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